

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: Donna L. Smith

Petition No. 97III-011-015

**PRELICENSURE CONSENT ORDER**

WHEREAS, Donna L. Smith of Quaker Hill, Connecticut (hereinafter "respondent") has applied for licensure to practice as a licensed practical nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent agrees that:

1. The Department has at no time issued respondent a license to practice as a licensed practical nurse under the General Statutes of Connecticut, Chapter 378.
2. On November 18, 1991, she was convicted in New London, Connecticut, of the felony of possession of narcotics in violation of §21a-279(a) of the Connecticut General Statutes.
3. The conduct described above constitutes grounds for the denial of respondent's application for licensure pursuant to §19a-14 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-14 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives the right to a hearing on the merits of her application for licensure.
2. After satisfying the requirements for licensure as a licensed practical nurse as set forth in Chapter 378 of the General Statutes of Connecticut, respondent's license to practice as a licensed practical nurse will be issued.

3. Respondent's license to practice as a licensed practical nurse in the State of Connecticut shall, immediately upon issuance, be placed on probation for two years under the following terms and conditions:
  - a. Respondent shall refrain from the ingestion or use of alcohol and the ingestion, inhalation, injection or other use of any controlled substance and/or legend drug unless she is under the direct medical care of a licensed physician; in the event a medical condition arises requiring treatment utilizing controlled substances or legend drugs, respondent shall notify the Department and, upon request, provide such written documentation of the treatment by the treater, as is deemed necessary by the Department.
    - (1) During the first year of the probationary period, respondent shall submit to weekly random observed urine screens for alcohol, controlled substances, and legend drugs by a testing facility and urine monitor pre-approved by the Department. During the second year, she shall submit to such screens on a monthly basis. Respondent shall submit to such screens on a more frequent basis if requested to do so by the Department. Said screens shall be administered by a facility approved by the Department. All such random screens shall be legally defensible in that the specimen donor and chain of custody shall be identified throughout the screening process. All laboratory reports shall state that the chain of custody procedure has been followed.
    - (2) Respondent shall cause to have the facility provide monthly reports to the Department on the urine screens for alcohol, controlled substances and legend drugs. All such screens shall be negative for alcohol, controlled substances, and legend drugs, except for medications prescribed by respondent's physician.

If respondent has a positive urine screen, the facility shall immediately notify the Department. All positive random drug and alcohol screens shall be confirmed by gas chromatograph/mass spectrometer testing.

- (3) Respondent is hereby advised that the ingestion of poppy seeds has, from time to time, been raised as a defense to a positive screen result for morphine and/or opiates. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances during the term of this Consent Order. In the event respondent has a positive screen for morphine and/or opiates, respondent agrees that the ingestion of poppy seeds shall not constitute a defense to such a screen.
  - (4) Respondent understands and agrees that if she fails to submit a urine sample when requested by her monitor, such missed screen shall be deemed a positive screen.
  - (5) Respondent shall notify each of her health care professionals of all medications prescribed for her by any and all other health care professionals.
- b. Respondent's employer shall be provided with a copy of this Consent Order within fifteen (15) days of its effective date, and shall agree to provide reports on a monthly basis for the duration of the probationary period, stating that respondent is practicing with reasonable skill and safety and in an alcohol and substance-free state.

4. All correspondence and reports required by the terms of this Prelicensure Consent Order are to be addressed to:

Bonnie Pinkerton, Nurse Consultant  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
P.O. Box 340308  
Hartford, Connecticut 06134-0308

5. All reports required by the terms of this Consent Order shall be due on the tenth business day each month.
6. Respondent shall comply with all state and federal statutes and regulations applicable to her license.
7. Respondent shall notify the Department of any change(s) in her employment within fifteen (15) days of such change.
8. Respondent shall notify the Department of any change(s) in her home and/or business address within fifteen (15) days of such change.
9. Any deviation from the term(s) of this Prelicensure Consent Order without prior written approval of the Department shall constitute a violation. A violation of any term(s) of this Prelicensure Consent Order shall result in the right of the Department in its discretion to immediately deem respondent's practical nurse license rescinded. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department's right to take action at a later time. The Department shall not be required to grant future extensions of time or grace periods. Notice of the rescission of the license shall be sent by the Department to respondent's address of record. Respondent waives any right to a hearing on the issue of violation of the terms of this Prelicensure Consent Order.
10. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a licensed practical nurse, upon request by the

Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric and/or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that her failure to cooperate with the Department's investigation shall constitute an admission that her conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).

11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
12. Respondent understands that this Prelicensure Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Board of Examiners for Nursing in which (1) her compliance with this Prelicensure Consent Order is at issue, or (2) her compliance with §20-99 of the Connecticut General Statutes, as amended, is at issue.
13. This Prelicensure Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Prelicensure Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that

this stipulation shall not deprive respondent of any other rights that she may have under the laws of the State of Connecticut or of the United States.

14. This Preliminary Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
15. This Preliminary Consent Order is effective when accepted and approved by a duly appointed agent of the Department.
16. Respondent understands this Preliminary Consent Order is a matter of public record.
17. Respondent understands she has the right to consult with an attorney prior to signing this Preliminary Consent Order.

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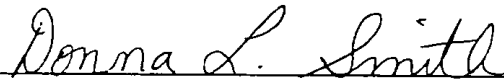
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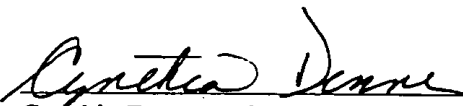
I, Donna L. Smith, have read the above Prelicensure Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Prelicensure Consent Order to be my free act and deed.

  
Donna L. Smith

Subscribed and sworn to before me this 17th day of April, 1997.

  
Notary Public or person authorized  
by law to administer an oath or  
affirmation  
My commission expires 6/30/99

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 21<sup>st</sup> day of April, 1997, it is hereby ordered and accepted.

  
Cynthia Denne, Director  
Division of Health Systems Regulation

sm  
S: Smith/legal/plco  
4/97